

Subject: RE: John Does 1-7 v. The Taliban, blocked assets held by Bank of America, N.A.

Date: Friday, July 23, 2021 at 4:09:38 PM Eastern Daylight Time

From: Cagney, Craig

To: John Thornton

CC: Thomson, Daniel J., Flynn, Michael S., Eng, Brendan, mariela.n.garcia@bofa.com, swiniker@winikerlaw.com, Daniela Jaramillo, Orlando Do campo, Teresita Isern

Thanks very much, John. Please let us know when you do move for the TRIA order. Have a good weekend.

Thanks,
Craig

Craig T. Cagney

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craig.cagney@davispolk.com

Davis Polk & Wardwell LLP

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From: John Thornton <jt@dandtlaw.com>
Sent: Friday, July 23, 2021 2:22 PM
To: Cagney, Craig <craig.cagney@davispolk.com>
Cc: Thomson, Daniel J. <daniel.thomson@davispolk.com>; Flynn, Michael S. <michael.flynn@davispolk.com>; Eng, Brendan <brendan.eng@davispolk.com>; mariela.n.garcia@bofa.com; swiniker@winikerlaw.com; Daniela Jaramillo <dj@dandtlaw.com>; Orlando Do campo <od@dandtlaw.com>; Teresita Isern <ti@dandtlaw.com>
Subject: Re: John Does 1-7 v. The Taliban, blocked assets held by Bank of America, N.A.

Thank you Craig,

First, our understanding is consistent with yours – there is no obligation for Bank of America to respond to the writs until we file a turnover motion.

Second, the writs are targeted only to blocked funds of the judgment debtors or agencies/instrumentalities of our clients' judgment debtors. The only one we are aware of is blocked account number [REDACTED] 4030 corresponding to the SDN Waldemar Lorenzana Lima, which Bank of America's subpoena response alerted us to. (See attached). We believe and intend to show that Lorenzana Lima is an agency/instrumentality of one

or more of our clients' judgment debtors. We confirm our agreement that the writ does not implicate assets that are not already blocked and thus attachable under TRIA.

Regards,

John Thornton
do Campo & Thornton, P.A.
Chase Bank Building
150 S.E. 2nd Avenue, Suite 602
Miami, FL 33131
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From: "Cagney, Craig" <craig.cagney@davispolk.com>

Date: Friday, July 23, 2021 at 1:29 PM

To: John Thornton <jt@dandtlaw.com>

Cc: "Thomson, Daniel J." <daniel.thomson@davispolk.com>, "Flynn, Michael S." <michael.flynn@davispolk.com>, "Eng, Brendan" <brendan.eng@davispolk.com>, "mariela.n.garcia@bofa.com" <mariela.n.garcia@bofa.com>, "swiniker@winikerlaw.com" <swiniker@winikerlaw.com>, Daniela Jaramillo <dj@dandtlaw.com>, Orlando do Campo <od@dandtlaw.com>, Teresita Isern <ti@dandtlaw.com>

Subject: Re: John Does 1-7 v. The Taliban, blocked assets held by Bank of America, N.A.

Thanks, John. We can confirm receipt of the letter and service of the writs. Bank of America reserves all rights, objections and defenses it may have to the writs.

As you know, OFAC sanctions preclude Bank of America from turning over any blocked accounts without a TRIA turnover order. It is our understanding that under North Carolina law, there is no obligation for Bank of America to respond in court to the writs until you file supplemental proceedings to seek such an order. Please let us know immediately if that understanding is incorrect.

Could you also confirm that the writs are targeted at the one specified account, and identify which entity is the alleged agency or instrumentality forming the basis for the attachment? Because Ayco itself is not an SDN, we assume that Ayco is not the alleged agency or instrumentality, and thus we are not restraining all assets of Ayco, including any that are not blocked and thus are not attachable under TRIA in any event. Let us know if we have misunderstood the writ.

Regards,
Craig

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On Jul 22, 2021, at 4:56 PM, John Thornton <jt@dandtlaw.com> wrote:

All,

Following up on my e-mail below. Please acknowledge receipt of the letter and Executions.

We plan to move the Court for the agency/instrumentality findings shortly.

Regards,

John Thornton
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From: John Thornton <jt@dandtlaw.com>

Date: Thursday, July 15, 2021 at 3:16 PM

To: "Cagney, Craig" <craig.cagney@davispolk.com>, "Thomson, Daniel J." <daniel.thomson@davispolk.com>, "Flynn, Michael S." <michael.flynn@davispolk.com>,

"Eng, Brendan" <brendan.eng@davispolk.com>, "mariela.n.garcia@bofa.com" <mariela.n.garcia@bofa.com>, "swiniker@winikerlaw.com" <swiniker@winikerlaw.com>
Cc: Daniela Jaramillo <dj@dandtlaw.com>, Orlando do Campo <od@dandtlaw.com>, Teresita Isern <ti@dandtlaw.com>
Subject: John Does 1-7 v. The Taliban, blocked assets held by Bank of America, N.A.

Craig and colleagues,

Please see the attached letter and Executions. They will be couriered shortly. Please let me know if you will accept service of the Executions by e-mail.

Regards,

John Thornton
do Campo & Thornton, P.A.
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